IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 778 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE D.K.TRIVEDI
and
Hon'ble MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SURIYA W/O KANUJI HINDUJI CHAVDA

Versus

STATE OF GUJARAT

Appearance:

1. Special Criminal Application No. 778 of 2002
Mr.Gondalia for
MR YOGESH S LAKHANI for Petitioner No. 1
Mr.K.G.Sheth, learned APP for Respondent Nos. 1 & 2
Mr.Mehul Rathod for Respondent No. 3

CORAM : MR.JUSTICE D.K.TRIVEDI
and
MR.JUSTICE J.R.VORA

Date of decision: 25/11/2002

ORAL JUDGEMENT

(Per : MR.JUSTICE D.K.TRIVEDI)

This petition is filed by mother of girl Amruta for seeking habeas of Amruta as according to petitioner, her daughter Amruta was taken away by respondent No.3 and it is the case of the petitioner that recently before 10 to 12 days petitioner has received a call from her daughter Amruta that she has been detained by respondent No.3 and further averred that her daughter is illegally confined by respondent No.3 and there is a danger to her life and her daughter has requested her to release her from the illegal custody of respondent No.3. Petitioner has also annexed complaint filed by the husband of the petitioner before the Police Inspector, Palanpur City against respondent No.3 and others for the offences punishable under Sections 366, 363, 380, 114 and 120-B and 506(2) of I.P.C. As per earlier order passed on 25.10.2002 a fresh notice was issued to respondent No.3, which was made returnable on 18.11.2002 and respondent No.2, Police Inspector,Palanpur City was directed to produce missing girl Amruta if she is found from the custody of respondent No.3. Notice to respondent No.3 was returned unserved and as requested by the learned A.P.P., we have kept the matter for hearing today. Mr. Rathod appeared for respondent No.3 and Mr. Rathod has informed us that respondent No.3 Sandipkumar is present before the court with Amruta and accordingly we have kept the matter in the second sitting. Considering the request made before us by Amruta, we have kept the matter for hearing in chamber. We have ascertained from Amruta and Sandipkumar individually and Amruta has disclosed that she and her parents were staying in the same society where respondent No.3 is staying with his family. She had studied upto 12th Standard and she has to clear one subject for the said 12th standard and she has developed love with respondent No.3 since last 2 years and she has left the house due to love and affection with the respondent No.3 and she had gone with respondent No.3 to Abu Road and Udepur and from there to Ghaziabad. Amruta and Sandipkumar had married and the marriage was registered with the Registrar of Hindu Marriage, Ghaziabad (U.P), India on 16.7.2002. Xerox copy of the

marriage Registration Certificate was also produced. She has further disclosed that her marriage was also solemnized in the temple as per Hindu rites in presence of priest and since then they are residing as husband and wife. She has also denied that after she left the house of her parents, she has never contacted the petitioner or any member of her family. Sandipkumar is also present and he also confirmed the say of Amruta. He has also disclosed that he has no support from his parents due to this marriage and he has studied upto F.Y. B.A. and at present he is doing service and maintaining Amruta. In view of the fact that Amruta is an adult lady and had married respondent No.3, we have ascertained that she is not illegally detained by respondent No.3 and she has expressed that she wanted to go with her husband. In view of the above and as Amruta is a major, she is permitted to go where she likes. Accordingly the petition is disposed of. Rule is hereby discharged.

A request is made by Mr.Rathod that necessary protection be given to enable Amruta and Sandipkumar to go as per their wish. Mr.N.B.Jani, P.I. of Palanpur City Police Station is present and accordingly he is directed to give necessary protection so that Amruta and Sandipkumar can go to a place of their choice.

(D.K.Trivedi,J)

(J.R.Vora,J)

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